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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,451	07/15/2005	Hubert Euvrard	MICROM19	2638

7590 12/23/2008
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EXAMINER

PATEL, YOGESH P

ART UNIT	PAPER NUMBER
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3732

MAIL DATE	DELIVERY MODE
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12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/542,451	Applicant(s) EUVRARD ET AL.	
	Examiner YOGESH PATEL	Art Unit 3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 14, 15, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14, 15, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03/08, 10/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/12/2005 is considered by the examiner.

Drawings

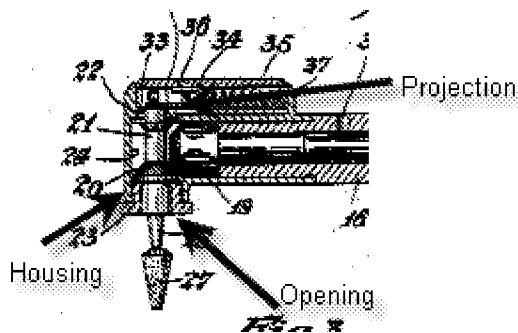
The drawings were received on 06/03/2008. These drawings are entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-12, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chayes et al. (1,688,136) in view of Badoz (5,647,745).



Chayes discloses a dental tool including a head 16 (fig. 1) and a dental instrument (fig. 5) adapted for use with the head; wherein the instrument has an active

Art Unit: 3732

part 27 at a first end, and a handle at a second end of the instrument opposite to the first end; wherein the head has a body for receiving a shaft 39 for transmitting rotational movement produced by a mechanical member associated with the handpiece, and a bore 24 forming a housing for receiving the handle of the instrument; wherein the handle of the instrument includes a first rotary drive 20 which, when mounted in the housing, is capable of meshing directly with a second rotary drive 19 associated with the body of the head; wherein the first rotary drive is capable of retractable axial retention in the housing, independently of the second rotary drive (fig. 1, due to latching device 30); wherein the first rotary drive has a direction of rotation, the second rotary drive has a direction of rotation, and the direction of rotation of the first rotary drive is the same as the direction of rotation of the second rotary drive since the first and second rotary drive perpendicular from each other; wherein the first rotary drive includes a pinion (e.g. gear 20) capable of engaging a drive pinion located inside the body of the head, in the vicinity of the housing, and which is mounted on the shaft for transmitting the rotational movement produced by the mechanical member to the instrument; wherein the pinion of the first rotary drive has a profile (e.g. teeth-like), the second rotary drive includes the drive pinion located inside the body of the head (fig. 1), the drive pinion has having a profile (e.g. teeth-like), and the profile of the pinion of the first rotary drive meshes with the profile of the drive pinion of the second rotary drive when the instrument is placed in the housing, and wherein the pinion of the first rotary drive and the drive pinion of the second rotary drive come into contact at bottom portions of the drive pinion of the second rotary drive (clearly seen in fig. 1); wherein the head is

Art Unit: 3732

shaped to receive the instrument by placing the head on the handle of the instrument; and wherein the head further includes a retractable retainer 30 for engaging the handle of the instrument responsive to manual operation, wherein the housing for receiving the handle of the instrument further includes an opening, and wherein the retractable retainer includes a retention member which projects across the opening (fig. 1) of the housing, and a shoulder portion on the instrument which is between shaft 25 and gear 20.

Chayes fails to disclose that the restoring spring is mounted concentrically on the body of the head and a ring coupled with the retention member and movable relative to the body of the head. It would have been an obvious matter of design choice to mount the restoring spring concentrically, since applicant has not disclosed that mounting the restoring spring concentrically solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with restoring ring. Further, Badoz teaches dental contra-angle including a movable ring shaped structure 9 coupled with the retention member (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chayes by providing a ring shaped structure as taught by Badoz for retraction of dental instruments.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chayes et al. in view of Badoz as applied to claim above, and further in view of Euvrard (Pat. 6,155,827). Chayes/Badoz discloses the invention substantially as

Art Unit: 3732

claimed and further a horseshoe-shaped profile 32 on the instrument except for a sloped surface, and horseshoe-shaped profile on the retention member. Euvrard teaches a sloped surface on the instrument. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Chayes/Badoz by providing a sloped surface as taught by Euvrard in order to engage the instrument with the retention member and due to the slope surface, the retention member is capable of sliding backward for engagement. Likewise, the retention member having a sloped surface is equivalent to having a sloped surface on the instrument. Same applies to horseshoe-shaped profile.

Action Made Final

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Applicant arguments regarding Chayes are addressed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH PATEL whose telephone number is (571)270-3646. The examiner can normally be reached on 8:00 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YOGESH PATEL/
Examiner, Art Unit 3732

/Ralph A. Lewis/
Primary Examiner, Art Unit 3732